

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLAUDELL GREEN,
Petitioner,

v.

ROBERT FOX,
Respondent.

Case No. [18-cv-02161-JSC](#)

ORDER OF TRANSFER

Petitioner, a California prisoner proceeding pro se, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition argues that he is entitled to parole consideration under California's Proposition 57. Petitioner was convicted in Los Angeles County and is confined in Solano County.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if the petition challenges the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. *See* Habeas L.R. 2254-3(b)(2); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

1 As Petitioner challenges the execution of his sentence, the proper venue for his petition is
2 the district in which he is confined. Solano County is located within the venue of the Eastern
3 District of California. *See* 28 U.S.C. § 84.

4 Accordingly, in the interest of justice, this case is TRANSFERRED to the United States
5 District Court for the Eastern District of California. The Clerk shall transfer this matter forthwith.

6 **IT IS SO ORDERED.**

7 Dated: April 23, 2018

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10 JACQUELINE SCOTT CORLEY
11 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLAUDELL GREEN,
Plaintiff,

v.

ROBERT FOX,
Defendant.

Case No. [18-cv-02161-JSC](#)

CERTIFICATE OF SERVICE

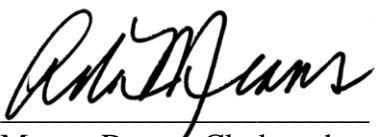
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 23, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Claudell Green ID: J-77948
California Medical Facility
P.O. Box 2000
Vacaville, CA 95696

Dated: April 23, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY